

Remarks

Initially filed were claims 1 to 20, which were canceled in a preliminary amendment in favor of claims 21 to 39. Based on the Supplemental Response "A" filed on 01 Oct. 2002, the status of the claims were: claims 21 to 78 were pending, of which claims 21, 40, 53, and 66 were independent. But due to a *sua sponte* constructive restriction in the Final Office Action dated 29 Oct. 2002, the Examiner withdrew claims 53 to 78 from consideration. In Amendment "C", the applicants canceled claims 53-78. After filing the Applicants' Appeal Brief on 25 April 2003 but before the Examiner filed his Examiner's Response, the Examiner reopened prosecution and filed this Office Action dated 09 July 2003, which rejected the remaining claims in view of newly cited prior art. The prior claims are now canceled in favor of the new claims now added. Now pending are claims 79 to 87, of which claims 79, 86, and 87 are independent.

In Response to this 09 July 2003 Office Action, the applicants are canceling claims and adding new claims that more fully describe the claimed invention. In addition, the applicants are also submitting a Rule 132 Declaration of Tremitchell Wright, an inventor on the application.

For convenience, the applicants are reproducing the independent claims:

79. (new) A wash liquor composition for use in laundering a fabric load, comprising:

- (a) a non-reactive, non-aqueous, non-oleophilic, apolar working fluid;
- (b) at least one washing additive comprising a fragrance; and
- (c) wherein the additive and working fluid are mixed prior to use in laundering.

86. (new) A wash liquor composition for use in laundering a fabric load, comprising:

- (a) a non-reactive, non-aqueous, non-oleophilic, apolar working fluid that has a KB is less than or equal to 30;
- (b) a fragrance;

(c) at least one first washing additive selected from the group consisting of: a surfactant, enzyme, and bleach; and

(d) at least one second washing additive selected from the group consisting of: ozone, an ultraviolet light absorber, deodorizer, antistatic agent, antistain agent.

87. (new) A wash liquor composition for use in laundering a fabric load, comprising:

(a) a non-reactive, non-aqueous, non-oleophilic, apolar working fluid that has a KB is less than or equal to 30;

(b) a fragrance;

(c) at least one first washing additive selected from the group consisting of: a surfactant, enzyme, and bleach;

(d) at least one second washing additive selected from the group consisting of: ozone, an ultraviolet light absorber, deodorizer, antistatic agent, antistain agent;

(e) at least one co-solvent selected from the group consisting of water, alcohol, ether, glycol, ester, ketone, and aldehyde, and wherein the mixture is sufficiently stable for a fabric washing application; and

(f) wherein the working fluid, fragrance, at least one first washing additive, at least one second washing additive; and the at least one co-solvent are mixed prior to use in laundering.

A. General Comments

Each independent claim now calls for a mixture of working fluid and a fragrance. None of the prior art cited include a fragrance. The prior art does not teach any fragrances because none of the prior art concern themselves with fragrance type smells. For example, the permanent fixation prior art (Maekawa and Jackson) are not concerned with fragrances as each reference involves some type of permanent fixation to the item to confer a specific property, such as water repellency or to assist in curing the item. As for the Tokuyama reference, it would be unreasonable to posit that flower

growth has anything to do with fragrance mixtures. As for the industrial cleaning of machinery, again fragrance simply is not an issue with this industry. None of the art teach fragrance use. None of the industrial cleaning references involve fabric laundering. The attached Rule 132 Declaration further indicates that the use of fragrance in industrial cleaning was not only not done in 1997, it is not necessary.

In addition, as to claims 86 and 87, these recite a multiingredient mixture. Claim 86 recites four particular ingredients and claim 87 recites five ingredients. The prior art, while it may allegedly teach blends or mixtures of chemicals, it does not teach the blends or mixtures that include the 4-5 ingredients claimed. As such, these claims are not anticipated. It should also be noted that the claims require that the working fluid have a KB value less than 30. This precludes perchlorethylene and hydrocarbons, which may have been used in the commercial dry cleaning industry. See the Rule 132 Declaration attached, the contents of which are incorporated by reference. Furthermore, to the extent necessary, the applicants incorporate by reference the prior arguments made earlier. But note that any statement related to canceled claims or amended claims in the prior prosecution is of no consequence now and should not be interpreted in any way to apply to the claims as now presented. The arguments set forth below set forth the reasons for allowance.

B. Rejections Based on Maekawa

The applicants note again that there is no detailed discussion of the Maekawa reference in the Office Action. To the extent necessary, the applicants incorporate the arguments made in the prosecution regarding Maekawa. But it is still noted that the new claims include a limitation to a fragrance. This limitation is missing from the Maekawa reference. That would be understandable given that Maekawa concerns conferring water and oil repellency. The fluorinated pitch as mentioned earlier in the prosecution is a solid, tarry substance that is meant to cure to the fabric. Nothing remotely suggests that Maekawa would concern itself with fragrances and laundering. The words odor, smell, and fragrance do not even appear in the text. As noted earlier, Maekawa concerns itself with permanent adulteration of the fabric, not laundering. Maekawa also fails to teach the multiple ingredient formulations of claims 86 and 87.

C. Rejections Based on Jackson

The applicants note that Jackson, like Maekawa, concerns itself with permanent fixation to the underlying item, not with laundering. Because permanent fixation is required, there is absolutely no teaching of a fragrance. The words smell, odor, and fragrance do not even appear. The examiner suggested that mixtures or blends are taught. Jackson does not teach a mixture of just anything mixed with anything else. Rather, the blend or mixture contemplated is a blend “having the required properties” as intended. Col. 4, lines 44-45. So the blend has to be a blend that is capable of performing the rapid fixation. Accordingly, to suggest that the word “mixture” somehow anticipates all mixtures is incorrect because it divorces that word “mixture” from the context in which it is stated. To be sure, no other reasonable reading of the word “mixture” in the context with “required properties” could mean that any run of the mill mixture is taught. As stated in the Rule 132 Declaration, there is no evidence that the type of fluorocarbon used is a washing aid and that this fluorocarbon is mixed with a fragrance. Moreover, the type of fluorocarbon taught is used specifically for the purpose of fixation and curing to fabrics. Again, this sort of fluorocarbon is antithetical to the properties desired by the claimed invention and definition of the working fluid. Jackson also fails to teach the multiple ingredient formulations of claims 86 and 87.

C. Rejections Based on Tokuyama

Tokuyama does not anticipate. As recited, the claims now call for a fragrance. But the applicants disagree that claim 40 was anticipated by the reference. Claim 40 called for a working fluid and a non-aqueous washing additive. Tokuyama only teaches two compounds: the perfluoro compound and water. To construct the parallels, Tokuyama’s water cannot be parallel to the non aqueous additive by definition. Similarly, the water cannot be parallel to the working fluid, which is by definition non aqueous also. Tokuyama could never have anticipated the claim. Furthermore, the only other compound disclosed is a perfluoro amine. That can only correspond, if at all, to the working fluid. But nothing suggests that the perfluoro amine of Tokuyama is the kind of perfluoro amine that can satisfy the requirements of the working fluid.

Accordingly, under no circumstances should it be reasoned that the claims now presented are presented to overcome the Tokuyama reference. Claim 40 was clearly allowable before. Tokuyama also fails to teach the multiple ingredient formulations of claims 86 and 87.

D. Rejections Based on Barthelemy

As the applicants noted above, the claims now presented include a fragrance. The words smell, odor, or fragrance does not appear in the reference. That is not surprising given that this reference concerns refrigerant solvents. The examiner stated that because “plastics” are mentioned that this somehow means fabrics. The examiner’s only link is that plastics are made of polymers and that some fabrics are polymers. That is unreasonable. That logic is no different than saying plastics are made of carbon atoms and carbon atoms are generally found in almost any chemical compound. Hence millions of chemical compounds are anticipated by a disclosure of plastics. Of course that is plainly unreasonable and warrants no further comment. As such, as mentioned above also, the at least 4 or 5 ingredient mixtures are not anticipated. Barthelemy fails to teach the multiple ingredient formulations of claims 86 and 87.

E. Rejections Based on Minor and Klug

To the extent the references are related (the references share a common inventor, a common assignee, and common subject matter), the applicants note that the claims now include a fragrance. Minor specifically involves compounds useful as refrigerants, propellants, dielectrics, etc. (col. 1, lines 12-21). Klug also essentially parrots back the same use. (col. 1, lines 15-24). Neither reference uses the words fragrance, odor, or smell. That is not surprising given that these references concern refrigerant solvents, cleaning agents, power cycle fluids, etc. The goals of these references are to provide for substitutes to chlorofluorocarbons (CFC’s) that allegedly destroy the ozone or create greenhouse gas terrestrial warming. Although the references may allegedly teach “cleaning” it is very important to understand what is getting cleaned. Certainly not fabrics. Rather the item cleaned can be a semiconductor

chip (removing the photoresist from the chip); circuits, or metal, etc. Nothing in the references suggest or teach the use of a fragrance. As such, as mentioned above also, the at least 4 or 5 ingredient mixtures are not anticipated. Minor and Klug fail to teach the multiple ingredient formulations of claims 86 and 87.

F. Rejections Based On Zabotto

Zabotto fails to teach a fragrance. For this reason, the claims are not anticipated. To clarify, however, the examiner has asserted that the prior claims were anticipated because the reference taught a perfluorotributylamine (PFTBA) that corresponded with the claimed working fluid. That is incorrect. Zabotto clearly shows that the PFTBA is used as the agent to clean. (see col. 4, lines 40). To be clear, the PFTBA is the agent that does the cleaning. As such, the PFTBA cannot be an inert working fluid as claimed. The examiner is attempting to select a species of fluorocarbon that cleans to link it with the inert working fluid claimed. But any working fluid, such as a fluorocarbon taught in the specification, must be an inert fluorocarbon to fabrics. Here, it is quite clear that even though Zabotto teaches a type of fluorocarbon, it is not the type that can be inert because it is taught that it must clean. Zabotto's fluorocarbon is present to provide the disclosed immiscibility phases for the invention. Of course Zabotto's purpose has nothing to do with the applicants' purpose as nothing in this application suggests that immiscibility is a problem to be solved. Notwithstanding, the applicants have included the limitation to a fragrance not to overcome the Zabotto reference because that limitation is not necessary to overcome Zabotto. Zabotto failed to anticipate the prior claims and fails to anticipate now. Zabotto also fails to teach the multiple ingredient formulations of claims 86 and 87.

Conclusion

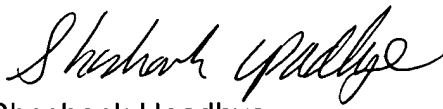
The applicants request withdrawal of the rejections and believe that the claims as presented represent allowable subject matter. But if the Examiner desires, the applicants are ready for an interview to expedite prosecution. As always, the Examiner is free to call the undersigned at 312-443-1836.

The applicant's attention is also directed to the new correspondence address.

Respectfully submitted,

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